

From: Myroslaw Ryndyk
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft Settlement

Your Honor:

Myroslaw Ryndyk
250 Velarde Street
Mountain View, CA 94041

As a citizen of this country, a customer and user of high tech products and as a career member of the high tech industry(over 30 years as a software engineer), I want to register my concern about the Proposed Final Judgement(PFJ) in the Microsoft case.

This case has been tried at the Federal District Court level and reviewed at Federal District Court of Appeals. It has been stated by the Appeals Court that Microsoft had aggressively and repeatedly violated United States antitrust laws. Further, the Appeals Court has stated that any settlement between the Government and Microsoft must protect members of the technology industry and the general public by ensuring that any such settlement contain the following three elements: 1) it must terminate Microsoft's illegal monopoly, 2) it must deny to Microsoft the fruits of its past violations and 3) it must prevent any future anticompetitive activity.

From what I have been reading in the press and other sources, it appears that the PFJ falls woefully short on providing those protections:

1. It does not end Microsoft's monopoly and even allows Microsoft to expand its monopoly into other technology markets.
2. It does not adequately address anticompetitive behavior identified by the Appeals Court.
3. It incorporates such large loopholes to its enforcement provisions as to render enforcement meaningless.
4. It does not provide an effective enforcement mechanism for the weak restrictions it does implement.
5. It does not deny to Microsoft the fruits of its past statutory violations.

I have watched Microsoft use its predatory monopolistic position to stifle any new product development by potential competitors that might challenge its preeminent position. That activity deprived me, and thousands, if not millions, of other potential users of access to new and innovative products and forced us to, either do

without
those products, or to rely on less adequate Microsoft substitutes.

It was my fervent hope that the antitrust action by the Department of Justice(DOJ) would
reel in this predatory behemoth. The PFJ does NOT meet the standards
enumerated
by the Appeals Court. I strongly, and respectfully, ask that the Court
rule against the
PFJ, and, since it's unlikely that further negotiations between the DOJ and
Microsoft will
produce an agreement that provides the type of protection that the Appeals
Court stipulated,
I respectfully suggest that Court render a decision based on the trial
evidence and the
decisions of both the original Federal District Court and the Court of Appeals.

Thank you.

CC: microsoftcomments@doj.ca.gov@inetgw